REMARKS

This Response is to the final Office Action of July 25, 2007, the Notice of Panel Decision from Pre-Appeal Brief Review of November 23, 2007, and the personal interview granted courteously to Applicants' representative on December 12, 2007. Claims 1, 3, 4 and 6 have been amended herein. No new matter has been added by these amendments. Claim 2 has been cancelled without prejudice or disclaimer.

A Two-Month Extension of Time and a Request for Continued Examination ("RCE") is submitted herewith. Please charge Deposit Account No. 02-1818 for the costs of the Two Month Extension of Time, RCE and any other fees deemed owed.

Claims 1 to 6 have been rejected under 35 U.S.C. § 102(e) as being anticipated by *Engelson*.

Rejection of Claims 1 to 5 under 35 U.S.C. § 102(e)

Claims 1 to 5 have been rejected under 35 U.S.C. § 102(e) as being anticipated by *Engelson*. Applicants respectfully submit that the claims as presently presented are distinguished over *Engelson*.

Independent claim 1 as presently presented and independent claim 5 each provide, in part, a handheld computing device reading prescribed medication data and medication delivery instruction from a first label. Claims 1 and 5 also provide, in part, the handheld computing device communicating and downloading the medication delivery instruction to a medication delivery device to deliver medication to the patient. *Engelson* fails to disclose at least these elements of claims 1 and 5.

Engelson generally discloses a care management system including a barcode reader that reads a barcode 175 on a patient ID bracelet and a barcode 182 on a drug container. (See, *Engelson*, column 13, lines 25-32). The information on the barcode 182 of the drug container, however, is not communicated and downloaded to the medical delivery device. Instead, the information from the drug container is analyzed by a medication administration management software module 110 to determine whether there is a discrepancy between the information read and pre-stored information. (See, *Engelson*, column 13, lines 49-60). When the medication administration management software module 110 completes its analysis, the care management

system automatically downloads information consisting of configuration parameters from the pharmacy CPU into a local area network into the bedside CPU and then into the medical delivery device. (See, *Engelson*, column 14, lines 4-13). In other words, in *Engelson*, the delivery instructions for the medical device are separate and apart from the information read from the barcode 182 on the drug container.

As such, *Engelson*, does not disclose a handheld computing device reading a medication delivery instruction from a first label and communicating and downloading the medication delivery instruction to a medication delivery device as called for in independent claims 1 and 5. Applicants therefore respectfully request that the rejection of claims 1 and 5 under 35 U.S.C. § 102(e) over *Engelson* be withdrawn.

Claims 3 and 4 depend from claim 1 and include all of the limitations of claim 1. Accordingly, the patentability of each of these claims flows from the patentability of claim 1. Applicants, therefore, respectfully request the rejections of Claims 3 and 4 under 35 U.S.C. § 102(e) over *Engelson* be withdrawn for at least the reasons provided above for Claim 1.

Rejection of Claim 6 under 35 U.S.C. § 102(e)

Claim 6 has been rejected under 35 U.S.C. § 102(e) as being anticipated by *Engelson*. Applicants traverse this rejection.

Independent claim 6 as presently presented provides, in part, a handheld computing device having means for reading a prescribed medication data and medication delivery instruction form a first label. Claim 6 also provides, in part, the handheld computing device communicating and downloading the medication delivery instruction to a medication delivery device. *Engelson* fails to disclose at least these elements of claim 6.

As discussed, in *Engelson*, the delivery instructions for the medical device are separate and apart from the information read from the barcode 182 on the drug container. As such, *Engelson*, does not disclose means for reading a medication delivery instruction from a first label and the handheld computing device communicating and downloading the medication delivery instruction to a medication delivery device as called for in independent claim 6. Applicants therefore respectfully request that the rejection of claim 6 under 35 U.S.C. § 102(e) over *Engelson* be withdrawn.

Applicants respectfully submit that this case should be in condition for allowance. Examiner is invited to contact the undersigned Attorney for the Applicants via telephone if such communication would expedite the allowance of this application. The Commissioner is hereby authorized to charge Deposit Account No. 02-1818 for any fees which are due and owing.

Respectfully submitted,

BELL, BOYD & LLOYD LLP

BY _____

Robert W. Connors
Reg. No. 46,639
Customer No. 29200

Dated: December 20, 2007